



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KS 66219

MAY 06 2016

OFFICE OF  
THE REGIONAL ADMINISTRATOR

Ms. Jennifer Dawani

(b) (6)

Dear Jennifer:

Following up to your meeting on 4/26/16 with Jim Callier regarding your full-time telework request, the Region has determined that your request does not meet the requirements for full-time telework, or for full-time telework outside the locally commuting area, as outlined in the collective bargaining agreement between the Agency and NTEU. In accordance with that contract, management reserves the right to determine if authorizing an employee to perform full-time telework is appropriate and has disapproved your request for the reasons cited below.

**Portable Work and In-Person Interface:** The NTEU contract states that approval for full-time telework should only be authorized when all of the employee's work is portable and when the employee's position requires minimal in-person interface with management officials and other employees. It also defines "portable work" as work that can be performed at another location with equal effectiveness with respect to quality, timeliness, customer service, and other aspects of accomplishing the Agency's mission. Portable work must also be part of the employee's regular assignments and not involve a significant change in duties or the way in which assignments are performed. Further, full-time telework outside of the local commuting area can only be recommended by a supervisor if "approval of the request will not, under any circumstances, diminish the Agency's ability to accomplish its mission and meet its operational goals."

The following duties associated with your position have been identified as not being fully portable as they cannot be accomplished as efficiently and effectively from a full-time Alternate Work Location (AWL) outside the local commuting area as from the Regional Office (RO):

- *Managing competitive grant proposal review panels comprised of numerous people from different parts of the office.* These panels are most effectively briefed and later convened for reviews in-person due to the volume of grant proposals, the complexity of the review, and the logistics involved in compiling and documenting the results and recommendations of the panelists. Unsuccessful applicants may also request a debriefing.
- *Briefing the grant award official on the results of the grant review panel and proposed awards.* These briefings require critical decisions on awards/funding and have on occasion required more than one meeting and ongoing dialogue. These decisions have in the past been appealed, and it is necessary that the briefings are held in-person to effectively discuss, determine, and document the award results for potential future appeals.



- *On location meetings with grantees.* Your position requires periodic in-person meetings with grantees in the RO or at grantee locations around the Region. Working from an AWL would limit your ability to attend these meetings and potentially affect the quality of the Agency's customer service to grantees. The travel time from your proposed AWL to cities where these grantees are located (including those in Nebraska, Iowa and farther west in Kansas) can be as much as an additional 7 hours roundtrip, clearly reducing the efficiency of this work and increasing the costs to the Agency. For example, this week a trip to Columbia, Missouri was required as part of your job duties for a meeting that typically occurs quarterly. The travel time from the proposed AWL was an additional 2 hours roundtrip and cost was an additional \$80 (@ \$0.19/mile) in comparison to the staff that traveled from the RO via GOV.
- *Records management.* Part of your job duties involves maintaining and filing the official hard-copy files for the grants on which you serve as Project Officer. These files ultimately need to reside in the Records Center in the RO. Other employees would be required to assume part of your record keeping responsibilities to ensure the quality of the document contents is maintained and properly recorded in the RO.
- *Stakeholder outreach and partnership.* In addition to your interaction with grantees, the RCPP section does a significant amount of outreach and other work with stakeholders in the Kansas City metro area and at other locations in the Region. Your position supports these efforts. Working outside the RO on a full-time basis would effectively eliminate you as a resource for this work which will impact the section's ability to accomplish the work. This work includes:
  - Responding to requests for presentations (e.g., general recycling)
  - Participation in partner meetings (e.g. WasteWise)
  - Participation in appropriate conferences (state recycling association meetings in Columbia, MO and in other states, etc.)
  - Attending P2 roundtable meetings in KC
  - Participating in State solid waste State directors meetings in KC
- *Dynamic nature of RCPP section work.* The RCPP section's work is varied and subject to frequent changes and new programs, many involving outreach. Working outside the local commuting area would hinder this small section's flexibility and ability to staff new projects and develop new programs as the need arises.

In terms of next steps, per the e-mail from Jim Callier on 4/29/16, the Agency has permitted your request to episodically telework outside the local commuting for three days during the week of May 9 and has approved the following work schedule:

- Monday, May 9 –telework from [REDACTED] Ex. 6 Residential location
- Tuesday, May 10 – regular work in the RO
- Wednesday, May 11 – regular work in the RO
- Thursday, May 12 –telework from [REDACTED] Ex. 6 Residential location
- Friday, May 13 –telework from [REDACTED]

In order to work at an AWL outside the local commuting area episodically for the period approved, you must complete a new telework agreement with that AWL on the agreement for the period of May 9 -13, 2016. Beginning on May 16, you are required to report to work your currently approved schedule of working in the RO on Tuesday/Wednesday and teleworking from your approved AWL within the local commuting area on Monday/Thursday/Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Brincks". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Mike Brincks  
Acting Deputy Administrator